

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DELTON GOODRUM)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:24-cv-01111 (PTG/WEF)
)	
CITY OF ALEXANDRIA, a municipal)	
Corporation of Virginia)	
)	
Defendant.)	
)	

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBIT LIST

Plaintiff Delton Goodrum (“Plaintiff” or “Lt. Goodrum”), through counsel, objects to the following exhibits included on Defendant the City of Alexandria’s Exhibit List (Dkt. 32) as follows:

Defendant’s Potential Exhibit 13: Lt. Goodrum Disciplinary History (CITY 01388 – 1404)

This document is a summary report of disciplinary action taken against Lt. Goodrum throughout his employment with the Department. It includes complaints levied against Lt. Goodrum dating back to 1997 as well as allegations that were not sustained following investigation and ultimately deemed unfounded.

Plaintiff objects to this exhibit pursuant to Federal Rule of Evidence 403, as use of the full report would cause undue prejudice to Lt. Goodrum that substantially outweighs the limited evidentiary value of the information contained therein. The promotional decisions at issue in this matter stem from a process that began in October 2020, and the first fourteen pages of the report — including allegations pre-dating 2017 — should be redacted in full. Only the last two pages of

this report, beginning with the report entry dated August 12, 2021, should be deemed admissible.

Furthermore, the City's own policies dictate that discipline records must be purged from the Department personnel files after two (2) years. The jury should not be made aware of information the decision makers were not allowed to review at the time of the decisional process.

Defendant's Potential Exhibit 14: Investigation Results (II09-046A) (CITY 01432 – 33)

This document, dated August 26, 2009, outlines the findings of an investigation arising from allegations of misconduct against Lt. Goodrum. Lt. Goodrum objects to this document pursuant to Rule 403 of the Federal Rules of Evidence as it applies to an investigation that occurred more than ten years prior to the promotional process at issue in this matter, and the risk of prejudice to Lt. Goodrum substantially outweighs the evidentiary value of the information contained therein.

Furthermore, the City's own policies dictate that discipline records must be purged from the Department personnel files after two (2) years. The jury should not be made aware of information the decision makers were not allowed to review at the time of the decisional process.

Defendant's Potential Exhibit 15: Internal Review (II09-46A) (CITY 01434 – 36)

Defendant's Exhibit 15, dated September 4, 2009, contains the results of the Department's internal review of the investigative findings set forth in Defendant's Exhibit 14, *supra*. Lt. Goodrum objects to this document pursuant to Rule 403 of the Federal Rules of Evidence on the same grounds outlined with respect to Defendant's potential Exhibit 14, *supra*.

Defendant's Potential Exhibit 16: Charges and Specifications (II09-46A) (CITY 01438 - 39)

Defendant's Exhibit 16, dated September 4, 2009, contains detailed information about the results of an investigation into allegations against Lt. Goodrum based on the findings set forth in Defendant's Exhibit 14, *supra*. Lt. Goodrum objects to this document pursuant to Rule 403 of the Federal Rules of Evidence on the same grounds outlined with respect to Defendant's potential Exhibit 14, *supra*.

Defendant's Potential Exhibit 17: Internal Review (II09-46A) (CITY 01434 – 36)

This exhibit is a duplicate of Defendant's Exhibit 15, and Plaintiff objects to Defendant's Exhibit 17 on the same grounds set forth with respect to Defendant's Exhibit 15, *supra*.

Defendant's Potential Exhibit 18: Investigative Report (IQ#08-006AB) (CITY 02261 – 68)

Defendant's Exhibit 18, dated August 25, 2008, outlines the findings of an investigation arising from a complaint made against Lt. Goodrum. Lt. Goodrum objects to this exhibit pursuant to Rule 403 of the Federal Rules of Evidence as it outlines conduct that occurred more than ten years prior to the promotional process at issue in this matter. The risk of undue prejudice to Lt. Goodrum substantially outweighs the evidentiary value of the information contained in this document.

Defendant's Potential Exhibit 19: Internal Invest. Report (MS22-007) (CITY 02518 – 33)

Defendant's Exhibit 19 is a memorandum containing the details of a complaint brought against Lt. Goodrum by his neighbor in or around November 2022 and describing the investigation that resulted. The Department deemed the allegations unfounded and found that Lt.

Goodrum had not violated Department policy as alleged.

Plaintiff objects to this report as the allegations contained therein, if offered for the truth of the matter asserted, constitute inadmissible hearsay under Federal Rule of Evidence 801. Plaintiff further objects to this exhibit under Federal Rule of Evidence 403. The details of unfounded allegations brought against Lt. Goodrum create a substantial risk of prejudice and risk of confusion to the jury, and these considerations substantially outweigh the probative value of the document.

Defendant's Potential Exhibit 20: Blue Team Report (MS22-007) (CITY 02534 - 38)

Defendant's Exhibit 20 is a summary report describing the same complaint and investigation described in Defendant's Exhibit 19, *supra*. Lt. Goodrum objects to this document pursuant to Rule 403 of the Federal Rules of Evidence on the same grounds outlined with respect to Defendant's potential Exhibit 19, *supra*.

Defendant's Potential Exhibit 21: Press Release – Laguna and Pedroso (CITY 0348 - 352)

Defendant's Exhibit 21 is a press release announcing the Department's hire of two Assistant Chiefs in or around October 2023. Plaintiff objects to this exhibit under Federal Rule of Evidence 401 as the individuals who are the subject of the press release were hired nearly a year after the events described in Lt. Goodrum's Complaint and have no connection to the instant matter. The press release does not contain information of any probative value with respect to Plaintiff's claims or Defendant's defenses in this matter.

Defendant's Potential Exhibit 22: Press Release – McDonald (CITY 0353 - 56)

Defendant's Exhibit 22 is a press release announcing the Department's hire of a new Assistant Chief in or around January 2023. Plaintiff objects to this exhibit under Federal Rule of Evidence 401 as the individual who is the subject of the press release was hired after the events described in Lt. Goodrum's Complaint and has no connection to the instant matter. The press release does not contain information of any probative value with respect to Plaintiff's claims or Defendant's defenses in this matter.

Dated: January 7, 2025

Respectfully submitted,

/s/
Joshua Erlich, VA Bar No. 81298
Katherine L. Herrmann VA Bar No. 83203
THE ERLICH LAW OFFICE, PLLC
1500 Wilson Blvd., Ste. 700
Arlington, VA 22209
Tel: (703) 791-9087
Fax: (703) 722-8114
Email: jerlich@erlichlawoffice.com
kherrmann@erlichlawoffice.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on January 7, 2025, I served the foregoing Objections to Defendant's Exhibit List via CM/ECF upon the following:

Robert Porter (VSB No. 78934)
Meghan Roberts (VSB No. 78983)
Alexandria City Attorney's Office
301 King Street, Suite 1300
Alexandria, VA 22314
Tel: (703) 746-3750
Fax: (703) 838-4810
robert.porter@alexandriava.gov
meghan.roberts@alexandriava.gov

James A. Cales III (VSB No. 41317)
Furniss, Davis, Rashkind and Saunders, P.C.
6160 Kempsville Cir. Suite 341B
Norfolk, Virginia 23502
Tel: 757-461-7100
Fax: 757-461-0083
Email: jcales@furnissdavis.com

Counsel for Defendant

/s/

Katherine L. Herrmann, VA Bar No. 83203
The Erlich Law Office, PLLC
1550 Wilson Blvd., Suite 700
Arlington, VA 22209
Tel: (703) 791-9087
Fax: (703) 722-8114
Email: kherrmann@erlichlawoffice.com

Counsel for Plaintiff